On Saturday, January 17th, we gathered at the Landmark Loew’s Jersey Theatre at Journal Square in Jersey City, to install the 2009 officers and trustees. We also presented various awards to deserving members and citizens from our component.

From February 4th to 7th, Joyce Raspa Gore, Ben Lee, Larry Parisi, Stacey Ruhle Kliesch, and I attended this year’s Grassroots Leadership Conference in Washington D.C. The opening Keynote Speaker was Futurist David Zach, and the closing Keynote Speaker was Olympian Dominique Dawes. The Leadership Conference included a variety of workshops that help members become better equipped to lead an AIA component. We discussed the stimulus package and what AIA thinks is best done with that money, sustainable design, retrofitting of existing buildings for energy efficiency.

Thursday, February 5th, was Advocacy Day where AIA officers from across the state and country met with their legislators on Capitol Hill to communicate the importance of the AIA issues agenda and strengthen relationships between Members of Congress and the Architectural profession. Our message is available online at http://tinyurl.com/cpl4bj. Details from the conference are available a http://tinyurl.com/atfc77.

“Things do not happen. Things are made to happen.”

- JFK

On Tuesday, February 17th, the ALNNJ state trustees attended the state meeting at NK’s office in Morristown.

Topics of interest include the following, which are not listed in any type of order and will be reported on as more information is available:
- AIA New Jersey By-Law revisions
- Local ordinances and land use regulations
- Unlicensed/unlawful practice of Architecture
- Membership Survey at state level
- Tri-State Regional Conference NJ-NY-PA in 2011
- East Coast Regional Green Conference in NJ in 2010
- NCARB Regional Conference in March 2010
- LEED references in AIA contract documents
- Preservation Trust Fund to stimulate construction projects
- AIA New Jersey’s Mega-Issues Campaign

On Thursday, February 19th, we held our first regular member dinner meeting of 2009 at Montclair State University’s LEED Certified University Hall, where we assembled a panel for a sustainability roundtable with an open discussion with our members and guests after a brief building tour. The panel included: Walt Kanzler, AIA, LEED, AP, Daniel P. Harazim, AIA, LEED-AP, and Tom Sandford, PE, LEED-AP. The moderator was Jason Kliwinski, AIA, LEED AP. Special guests this evening included: Carol Clark (Essex County Freeholder Board and NJ Association of Counties President) and Ron Botelho (Chief of Staff for John F. McKeon, Assemblyman, 27th District, Essex County). Each gave a brief introduction and were pleased that we were celebrating Green Design in NJ.

In order to strengthen our relationship with our sponsors we have a new ALNNJ Sponsorship Liaison who is looking for ways to offer value-opportunities to our existing/potential vendors, which in turn will offer our members greater value. If you have any companies which may be interested in sponsoring us, please contact Second Vice President, Steven Lazarus (2009 ALNNJ Sponsorship Liaison).

Our new updated rate card is posted on our homepage www.alnnj.org.

The “true value” of our AIA membership is one another. It is important now more than ever that we collaborate and work together to elevate our profession and each other by utilizing our unique gift of creativity.

Frank Cunha III, AIA
AIA-ALNNJ President 2009

“We have the power to make this the best generation of mankind in the history of the world or to make it the last.”

- JFK
The AIA Architectural Billings Index stated that the “best hope for a relatively quick recovery for the construction industry is the emerging federal stimulus program” where infrastructure investment is a priority. The $787 billion economic-stimulus package which was enacted in February targets highways, transit and airports, to rebuild infrastructure and create jobs. President Obama said the stimulus package will “bring real and lasting change for generations to come.” The impact of this Administration’s stimulus program needs to end significant negative momentum in the economy to accelerate recovery. Since the Federal Reserve has lowered the interest rate to almost 0%, it can’t do much more to further monetary stimulus to the economy, so government spending is a major alternative. AIA President, Marvin Malecha, FAIA, said, “Now that the economic stimulus bill is finalized architects and design and construction professionals are ready to work closely with state and local officials to help them use these resources effectively.”

The 2009 AIA Grassroots Leadership Conference, held February 3 – 7, 2009 was attended by ALNNJ President Frank Cunha III, AIA, L&GA Chairman Bee Lee, AIA, and myself, along with many other AIA-NJ members and officers, and a total of over 900 AIA members nationwide. The focus for AIA member efforts was to have the House and Senate include community-building elements into the legislation intended to revive the U.S. economy. AIA’s plan entitled RENEW & REBUILD sought to have five main issues outlined as key talking points for the Legislators. These five key issues, as developed by AIA National - with the first issue being the most critical by far - are as follows:

1. **To Ensure the Economic Recovery Funds the Best Designed Projects.** Economic recovery funds should be invested in a mix of “shovel-ready” and long-term projects to both sustain the economic recovery over two years and to ensure the best-designed projects, with a high degree of accountability. AIA urged Congress to allow funds to be spent on projects in the planning and design phases as well as those that are “shovel-ready.” This will allow an opportunity not only to build, but to build better. There is broad support for investments in green buildings and modern infrastructure and to ensure funds are disbursed quickly to create jobs; at the same time, there is concern that failing to invest in projects in a holistic, well-planned manner may cause the nation to miss an opportunity to address long-term infrastructure needs. Although there is a great need for immediate investments in projects that are ready to go, funds should also be provided to states and localities for longer-term projects that are in the planning and design phases. This will have several benefits:
- It will ensure that the recovery is sustained beyond the initial six-month window for “shovel-ready” projects and will avoid a “boomerang” effect where construction jobs created in the first six months will vanish once those projects are complete.
- It will avoid having large amounts of funds “bottlenecking” in the pipeline if states and localities are forced to spend or lose billions of dollars of funds too quickly.
- It will enable states and localities to plan for longer-term investments and needs.
- It will ensure that the economic recovery package creates jobs not only in the construction sector, but throughout the building industry.
Therefore, the AIA advocates dividing infrastructure funding into two stages: One for “shovel-ready” projects that can be obligated in 180 days, and one that states and localities can draw upon for up to 24 months for longer term projects still in the planning and design stages.


This aspect of the stimulus program involves the expenditure of Federal highway dollars in ways that enhance the quality of life in local communities. The AIA believes that well-planned transportation and community design can greatly enhance the economic development, sustainability, safety, and livability of neighborhoods adjacent to new transportation projects.

How transportation projects - from highways and rail lines to multi-modal corridors and intermodal transit facilities - are planned, designed, and built has major impacts on the life of a community. Thoughtful planning and design processes that involve the public facilitate economic development, create jobs, increase productivity, and ease the movement of traffic.


This calls for the elimination of a federal procurement regulation that allows federal agencies to withhold up to 10 percent of an architect’s or engineer’s fees until the end of a design project. This retainage is far beyond what is customary for other services and places a huge, unnecessary burden on small design firms trying to take part in the federal procurement process.


Governmental policies, programs, and incentives should encourage energy efficiency, especially as it relates to the built environment. To this end, the AIA supported legislation that allows for a tax deduction for constructing energy efficient commercial buildings and for installing energy-efficient systems in existing buildings; the deduction was extended through 2013.

5. Make Health Care Affordable for All Americans.

As American workers and businesses are struggling to cope with the staggering costs of health care, Congress should pursue legislation that would lessen the cost of health care. One strategy to accomplish this would be to allow for small business or association health plans. Association health plans would give members of professional and trade associations the opportunity to participate in group health insurance plans that use the advantage of large pools of insured to structure affordable coverage.

Congress heard the voices of thousands of design professionals to promote green, energy-efficient buildings and tax relief through immediate infrastructure development. Making our government buildings and schools more energy efficient will save taxpayers millions of dollars and reduce the effects of carbon dioxide emissions on the earth’s climate. The goal is to build better; greener buildings, modern infrastructure, and a transportation system that strengthens communities.

Update on Bills of interest to the Profession monitored by AIA

A1558: Requires developers to offer solar energy systems in certain new home construction.
A3711 / S1953: Requires all new State buildings to have solar or geothermal energy systems, where feasible.
A3699 / S1615: Requires Division of Property Management and Construction to conduct analysis of State buildings to determine energy and cost savings through use of renewable energy equipment or technology.
A2550 / S1298: Permits location of certain wind and solar facilities in industrial zones.
A3062 / S1303: Defines “inherently beneficial use” for purposes of zoning use variance and specifically includes facilities that supply electrical energy produced from wind, solar or photovoltaic technologies.
S2265: Requires developers to offer solar energy systems in certain new home construction.
A3736 / S2485: Modifies laws concerning affordable housing and makes an appropriation to the Affordable Housing Trust Fund.

Joyce Raspa-Gore AIA, Esq. Councilwoman of Leonia, is employed at the Law Offices of Schwartz Simon Edelstein Celso & Kessler, LLC in Morristown, NJ.

Ownership of Documents 101

It is a reasonably safe bet that nine out of ten architects have no clue about the extent of the intellectual property rights they possess in the drawings they prepare for their clients. Most have a vague sense of “owning the copyright” in the design documents that they prepare, but they don’t really know, for sure, what those rights are, how they arise and how they must be both protected and protected. The purpose of this article is to provide architects with the basics on their ownership of the documents that they prepare. Here are the answers to the most basic of questions relating to the ownership of design documents:

What is a copyright, and why is it important to me?

Copyright is the law that gives you control over the fruits of your creativity. Architects’ control over the things that they create arises from two things - their contracts with the people who commission their works and the Architectural Works Copyright Protection Act of 1990. In 1990, Congress added “architectural works” to those works protected by a Federal copyright. It did so by adding an “architectural work” as a type of intellectual property subject to copyright protection. Under the statute, an “architectural work” is defined as “the design of a building as embodied in any tangible medium of expression, including a building, architectural plans, or drawings. The work includes the overall form as well as the arrangement and composition of space and elements in the design, but does not include individual standard features.”

This protection of “architectural works” is not as expansive as other types of copyright protection, in two significant ways. First, for practical reasons, taking a picture of a building which is “ordinarily visible” from a public place does not constitute copyright infringement. Were that so, it would be virtually impossible to publish a photograph taken in any major American city without infringing upon the copyrights of multiple architects. Second, copyright protection does not
extend to “individual standard features”, such as doors and windows. Presumably, this is an acknowledgment that a lot of architecture consists of the boilerplate use of standard building components and details. Accordingly, if someone “steals” a standard detail from one of your drawings, that’s not copyright infringement.

It is a reasonably safe bet that nine out of ten architects have no clue about the extent of the intellectual property rights they possess in the drawings they prepare for their clients.

For the most part, all architecture is derivative, in some way or another. Even an “organic” architect, like Frank Lloyd Wright took his “standard details” from the original Architect. Accordingly, unless your design breaks new ground or is highly original, pride in the aesthetics of your designs will not normally be the determinant factor in deciding whether or not to copyright one of your designs. Rather, the primary determinant factors will be controlling your potential liability for the use, modification and reuse or your design documents and in insuring that you are paid for your works.

Controlling the use of your works through contract clauses and copyright protection:

In most instances, the issue of the ownership of architectural design documents is addressed in the Owner/Architect contract. Typically, that contract is an AIA form contract, such as the AIA Form B-101 (Agreement Between Owner and Architect). In that document, the ownership of documents is addressed in the following clauses:

ARTICLE 3 COPYRIGHTS AND LICENSES

§ 3.1 - The Architect and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project. If the Owner and Architect intend to transmit Instruments of Service or any other information or documentation in digital form, they shall endeavor to establish and separate contractors, to reproduce applicable portions of the Instruments of Service solely and exclusively for use in performing services for the Project. If the Architect rightfully terminates this Agreement for cause as provided in Sections 5.3 and 5.4, the license granted in this Section 3.3 shall terminate.

These contract clauses provide that the architect owns the copyright to his or her design. They do not, however, perfect that right. That right, to be protected under the Act, must be perfected by making the appropriate filing with the United States Copyright Office. You can do so by marking all copies of your design documents with a conforming copyright notice, i.e., © 2009 John or Jane Doe, AIA, and after filling out a form, submitting two copies of the drawings, paying the $20.00 fee, and registering your work with the Copyright Office within three months of its first publication. If you do this, you will have done what you need to do as a pre-requisite to filing a Federal copyright infringement action and availing yourself of the statutory damages available under the Architectural Works Copyright Protection Act of 1990 (up to $20,000 per infringement or, if the infringement is willful, up to $100,000 per infringement, plus counsel fees). It is recommended that you consult with a qualified intellectual property lawyer when you do this, in order to be sure that you have properly met all of the filing requirements.

Controlling your potential liability for the use, modification and reuse or your design documents:

The 2007 AIA Electronic Contract Documents are particularly useful in helping you control your potential liability for the use, modification and reuse or your design documents. The AIA Contract Documents Committee (“AIA CDC”) has addressed this longstanding concern of Architects on the use of their digital documents by Owners and Contractors. Architects are rightfully concerned, now that the old days of an ink signature and a raised seal have given way to the era of Internet transmissible CADD files. The AIA CDC has done so by creating two documents, the E-201 Digital Data Protocol Exhibit, which permits the parties to enter into agreements to determine the uses to which such data may be put, together with the means of transmission and the data format. This is, of course, especially important as the use of BIM becomes more prevalent. The AIA CDC has also provided a document for use by parties who do not otherwise have an agreement to use and share that same digital data. That document is the C-106, the Digital Licensing Agreement. Both of these documents are fairly broad, and require your serious consideration as to how and by whom your design documents may be used.

The Bottom Line: Getting Paid:

Many times, architects who are being “chiselled” by unscrupulous Owners call me and ask if they can “pull their seal” on a project that is deep into the construction phase. The answer to that question is a resounding “No!” However, if you have included proper ownership of documents clauses in your contract, you can advise the Owner that their limited license to use your design documents has been revoked and you may threaten a Federal copyright action if the Owner persistently fails to “substantially perform its obligations, including prompt payment of all sums when due”, under that Agreement.

For most architects, this is really what copyright protection is all about. Accordingly, you should do yourself a favor. Consult with a good copyright attorney and learn how to properly create and perfect copyright protection for the fruits of your artistic vision. The contractual protections and Federal copyright protections are there for you, if you make the time to learn about them and use them.

Lawrence Powers, Esq., is Co-Partner in Charge of the Construction Law Group at the New Brunswick, New Jersey based law firm, Hoagland Longo Moran Dunst and Doukas, L.L.P. He is also General Counsel to AIA-NJ, NJSPE and NJASLA.
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ALNNJ Student Scholarship Winners  (First in a series of three)

The 2008 AIA Architects League Albert O. Halse Memorial Award recipient, Sean M. Olsen, (Hometown: Hillsdale; NJIT SOA) received a check for $3,000.00. L to R: Urs P. Gauchat, Dean, College of Architecture and Design; Sean M. Olsen; Frank Cunha, III.

The 2008 NJIT School of Architecture Awards program was held at Weston Hall on Monday, September 22, 2008 at 5:00. The Architects League handed out 5 giant checks to three recipients of the 2008 scholarships and two 2007 recipients who qualified for a grant from AIA National’s scholarship award match program. Albert O. Halse Memorial Award is given to undergraduate students for excellence in architectural delineation and/or architectural models.

What inspired you to study Architecture?
I am attracted to Architecture because it allows artistic expression through many different media. I have been drawing and doodling since I was really young and always enjoyed building things and working with my hands. I went to art school for basic art training. My father taught me how to be a carpenter. Architecture embodies many of my interests, including technical and artistic expression. As an Architect one has to be both rational and a bit of a dreamer at the same time. It is a unique profession that is very rewarding.

What are you most looking forward to once you graduate?
I am noticing more and more as I go through school that Architectural training really makes you look at the world in a different way. Architecture is globally diverse and goes beyond just putting up buildings. It has the power to change peoples lives. Once I graduate I would really like to do some traveling to see where this exciting profession can lead me.

Pella’s beautiful Mahogany, Alder, Douglas Fir and Pine windows and doors have the amazing ability to turn estimates into sales. That’s The Power Of Yellow."
The February Members Meeting was a Sustainability Roundtable at Montclair State University using the LEED Certified University Hall as a case study. University Hall was completed in 2005 and serves as Montclair State University’s flagship academic facility. The new 7-story facility houses state of the art conference rooms with advanced audio-visual systems. The 272,000 square foot project was LEED Certified by the US Green Building Council in 2008.

The Moderator, Jason Kliwinski, AIA, LEED AP is the Director of Sustainable Design at the Spiezle Architectural Group, Inc. Jason is the First Vice President for AIA New Jersey, USGBC-NJ Co-Founder, AIA-NJ Committee on the Environment Chair and Adjunct Professor of Sustainable Design at NJIT’s School of Architecture. The Panel also consisted of the Owner’s Rep, Walt Kardler, AIA, LEED-AP; former Director of Design at Montclair State University, Founder and Principal of Eco Collaborative; the Architect, Daniel F. Hanazim, AIA, LEED-AP; Director of Sustainable Design at The S/L/A/M Collaborative in Glastonbury, CT; the Engineer, Tom Sandford, PE, LEED-AP; Associate Principal with R.G. Vanderweil Engineers, LLP. Special guests were Carol Clark (Essex County Freeholder Board and NJ Association of Counties President) and Ron Botelho (Chief of Staff for John F. McKeon, Assemblyman, 27th District, Essex County).

Thank you to our February meeting sponsors: Pella Windows, General Office Interiors Inc. and R.G. Vanderweil Engineers, LLP.
Installation Dinner a Big Success
January 17th, Loew’s Jersey Theater

On Saturday January 17th the ALNNJ Annual Dinner was held at the Landmark Loew’s Jersey Theatre. The Theatre opened on Journal Square in 1929 as designed by Chicago architects Rapp and Rapp in a Baroque/Rococo style. The building features an ornate, multi level lobby and a 3300 seat auditorium with a restored Robert Morton Wonder Pipe Organ. www.loewsjersey.org

Award winners for the evening included: Kim Vierheilig, AIA: The Past President’s Award; Scott Lurie, AIA: The Vegliante Award, the League’s highest honor and awarded to a Member of the League in recognition of a long record of service; and the 2008 Peer Award: Manny Pereiras, AIA of Pereiras Architects Ubiquitous and Mark Giessen, AIA of Cubelitis, Service Awards went to: Donna Berardo, Assoc. AIA, Joe David, AIA, Nancy Peck and Ellen Harmon of Pella Windows. Student Scholarship Award Winners: Sean Olsen, Maria Nosova, and William Tate.

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Calendar of Events 09

more at www.alnnj.org

MILESTONES

Bradley Jonathan Vierheilig born December 24th at 5:04 pm. 8 lbs. 8 oz., 21” long. Mom (Kim), Dad (Kurt) and Brad are doing great.

New Members
The Architects League is pleased to announce their newest members:

Segan R. Canning, Assoc. AIA
Margaret Gately Gonzalez, Assoc. AIA
Alexander Kaluhy, Assoc. AIA
Victoria Kaluhy, Assoc. AIA

The League welcomes you and looks forward to your involvement and participation. Please make a point of introducing yourself at the League’s next dinner meeting or event.

Events

T A K E  N O T E... 

Congratulations to League members who recently passed the LEED AP exam:

Paul S. Bryan, AIA, LEED AP
Josephine (Josie) A. Coleman, AIA, LEED AP
Howard Hogan, Allied Member ALNNJ, LEED AP, CCPR
David A. Jaffoni, AIA, LEED AP
Kenneth H. Karle, AIA, LEED AP
Kenneth E. Ross, AIA, LEED AP
Michael Sackler, AIA, LEED AP
Laura Schluger, AIA, LEED AP
Simone Tsigonous, AIA, CID, LEED AP

Member News:
Thomas M. Cohen, AIA of Hackensack has been elected President of The Water Works Conservancy. The Water Works Conservancy was formed in 1998 as a grassroots effort to preserve and restore the historic Hackensack Water Company site on Van Buskirk Island in Oradell. Now listed on both the New Jersey and National Registers of Historic Places, the Hackensack Water Company (aka the Hackensack Water Works) is a rare, intact, state-of-the-art Nineteenth Century water processing and pumping facility first opened in 1882 and operated continuously until 1990.
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